



General Assembly

January Session, 2011

**Amendment**

LCO No. 6584

**\*SB0110506584SR0\***

Offered by:  
SEN. GUGLIELMO, 35<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1105      File No. 509      Cal. No. 295

**"AN ACT CONCERNING THE DISSOLUTION PROCESS OF REGIONAL SCHOOL DISTRICTS."**

1      After the last section, add the following and renumber sections and  
2      internal references accordingly:

3      "Sec. 501. Section 10-151b of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective July 1, 2011*):

5      (a) The superintendent of each local or regional board of education  
6      shall continuously evaluate or cause to be evaluated each teacher, in  
7      accordance with guidelines established by the State Board of  
8      Education, pursuant to subsection [(c)] (d) of this section, [for the  
9      development of evaluation programs] and such other guidelines as  
10     may be established by mutual agreement between the local or regional  
11     board of education and the teachers' representative chosen pursuant to  
12     section 10-153b. [, continuously evaluate or cause to be evaluated each  
13     teacher.] An evaluation pursuant to this subsection shall include, but  
14     need not be limited to, strengths, areas needing improvement,  
15     strategies for improvement and multiple indicators of student

16 academic growth. Claims of failure to follow the established  
17 procedures of such evaluation programs shall be subject to the  
18 grievance procedure in collective bargaining agreements negotiated  
19 subsequent to July 1, 2004. The superintendent shall report the status  
20 of teacher evaluations to the local or regional board of education on or  
21 before June first of each year. For purposes of this section, the term  
22 "teacher" shall include each professional employee of a board of  
23 education, below the rank of superintendent, who holds a certificate or  
24 permit issued by the State Board of Education.

25 (b) Each local and regional board of education shall develop and  
26 implement teacher evaluation programs consistent with guidelines  
27 established by the State Board of Education, pursuant to subsection (c)  
28 of this section, and consistent with the plan developed in accordance  
29 with the provisions of subsection (b) of section 10-220a.

30 (c) On and after July 1, 2012, each local and regional board of  
31 education shall incorporate into the teacher evaluation program for the  
32 school district the use of data and indicators on student academic  
33 growth as a significant factor in evaluating teacher performance. Each  
34 local and regional board of education shall (1) develop a teacher  
35 evaluation program consistent with the model teacher performance  
36 evaluation system developed by the State Board of Education pursuant  
37 to section 502 of this act, or (2) adopt the model teacher performance  
38 evaluation system developed by the State Board of Education pursuant  
39 to section 502 of this act.

40 [(c)] (d) On or before July 1, [2013] 2012, the State Board of  
41 Education shall adopt, in consultation with the Performance  
42 Evaluation Advisory Council established pursuant to section 10-151d,  
43 guidelines for a model teacher evaluation program. Such guidelines  
44 shall provide guidance on the use of multiple indicators of student  
45 academic growth in teacher evaluations. Such guidelines shall include,  
46 but not be limited to: (1) Methods for assessing student academic  
47 growth; (2) a consideration of control factors tracked by the state-wide  
48 public school information system, pursuant to subsection (c) of section

49 10-10a, that may influence teacher performance ratings, including, but  
50 not limited to, student characteristics, student attendance and student  
51 mobility; and (3) minimum requirements for teacher evaluation  
52 instruments and procedures.

53 Sec. 502. (NEW) (*Effective July 1, 2011*) On or before July 1, 2012, the  
54 Performance Evaluation Advisory Council, established pursuant to  
55 section 10-151d of the general statutes, as amended by this act, shall  
56 develop a model teacher performance evaluation system for use by  
57 local and regional boards of education and regional educational  
58 service centers. Such model teacher performance evaluation system  
59 shall include: (1) A training program offered by the local or regional  
60 board of education or regional educational service center for the school  
61 district to teachers who are employed by such school district and  
62 whose performance is being evaluated and to administrators who are  
63 employed by such school district and who are conducting the  
64 performance evaluations. Such training program shall be offered prior  
65 to the implementation of any teacher performance evaluation system  
66 adopted by the school district and shall include information relating to  
67 the standards, measures and protocols that will be used to evaluate  
68 teacher performance in the school district; (2) guidelines for the  
69 creation of individual teacher improvement and remediation plans for  
70 teachers whose performance is found to be deficient. Such teacher  
71 improvement and remediation plans shall be developed by the  
72 evaluating administrator, the teacher whose performance is found to  
73 be deficient and other persons deemed appropriate through a mutual  
74 agreement by a local or regional board of education or regional  
75 educational service center and the exclusive bargaining representative  
76 for certified employees chosen pursuant to section 10-153b of the  
77 general statutes. Such teacher improvement and remediation plans  
78 shall include, but not be limited to, a description of the reasons that a  
79 teacher's performance has been found to be deficient, a plan on how to  
80 improve such teacher's deficient performance, an articulation of  
81 measures of success, timelines and support for such teacher, periodic  
82 reviews of such teachers, an adequate time period, not to exceed one

83 school year, for such teacher to improve his or her performance before  
84 the initiation of dismissal proceedings, and the provision of resources  
85 and support to such teacher during the improvement and remediation  
86 period by the local or regional board of education or regional  
87 educational service center and such exclusive bargaining  
88 representative for certified employees; (3) summative assessments at  
89 the end of the improvement and remediation period of each teacher  
90 whose performance is found to be deficient. Such summative  
91 assessments shall include recommendations by the evaluating  
92 administrator on whether such teacher successfully achieved the  
93 standards and goals set forth in the improvement and remediation  
94 plan, or whether a dismissal proceeding should be initiated. Such  
95 summative assessments may include recommendations from other  
96 persons deemed appropriate through a mutual agreement by a local or  
97 regional board of education or regional educational service center and  
98 the exclusive bargaining representative for certified employees chosen  
99 pursuant to section 10-153b of the general statutes; and (4) a dismissal  
100 proceeding process for teachers whose performance is found to be  
101 deficient and who have not successfully achieved the standards and  
102 goals set forth in the improvement and remediation plan. Such  
103 dismissal proceeding shall be in accordance with the provisions of  
104 section 10-151 of the general statutes, as amended by this act. Any such  
105 dismissal proceeding shall be concluded not later than one hundred  
106 calendar days from the date the evaluating administrator submits the  
107 summative assessment recommending the dismissal of such teacher to  
108 the superintendent of schools for the school district employing such  
109 teacher. If such dismissal proceedings exceed one hundred calendar  
110 days, the hearing panel for such dismissal proceedings shall assess  
111 monetary penalties to the party responsible for the delay in such  
112 dismissal proceeding. The mutual agreements described in  
113 subdivisions (2) and (3) of this section shall not be subject to the  
114 provisions of section 10-153f of the general statutes.

115 Sec. 503. Section 10-151d of the general statutes is repealed and the  
116 following is substituted in lieu thereof (*Effective July 1, 2011*):

117 (a) There is established a Performance Evaluation Advisory Council  
118 within the Department of Education. Membership of the council shall  
119 consist of: (1) The Commissioners of Education and Higher Education,  
120 or their designees, (2) one representative from each of the following  
121 associations, designated by the association, the Connecticut  
122 Association of Boards of Education, the Connecticut Association of  
123 Public School Superintendents, Connecticut Federation of School  
124 Administrators, the Connecticut Education Association and the  
125 American Federation of Teachers-Connecticut, and (3) persons selected  
126 by the Commissioner of Education who shall include, but not be  
127 limited to, teachers, persons with expertise in performance evaluation  
128 processes and systems, and any other person the commissioner deems  
129 appropriate.

130 (b) The council shall be responsible for (1) assisting the State Board  
131 of Education in the development and implementation of the teacher  
132 evaluation guidelines, pursuant to subsection (c) of section 10-151b, as  
133 amended by this act, [and] which guidelines shall include student  
134 academic growth and development as a factor in the rating of teacher  
135 performance, (2) the data collection and evaluation support system,  
136 pursuant to subsection (c) of section 10-10a, and (3) developing a  
137 model teacher performance evaluation system in accordance with the  
138 provisions of section 502 of this act. The council shall meet at least  
139 quarterly.

140 Sec. 504. Subsection (d) of section 10-151 of the general statutes is  
141 repealed and the following is substituted in lieu thereof (*Effective July*  
142 *1, 2011*):

143 (d) The contract of employment of a teacher who has attained tenure  
144 shall be continued from school year to school year, except that it may  
145 be terminated at any time for one or more of the following reasons: (1)  
146 Inefficiency or incompetence, provided, if a teacher is notified on or  
147 after July 1, 2000, that termination is under consideration due to  
148 incompetence, the determination of incompetence is based on  
149 evaluation of the teacher using teacher evaluation guidelines

150 established pursuant to section 10-151b; (2) insubordination against  
151 reasonable rules of the board of education; (3) moral misconduct; (4)  
152 disability, as shown by competent medical evidence; (5) elimination of  
153 the position to which the teacher was appointed or loss of a position to  
154 another teacher, if no other position exists to which such teacher may  
155 be appointed if qualified, provided such teacher, if qualified, shall be  
156 appointed to a position held by a teacher who has not attained tenure,  
157 and provided further that determination of the individual contract or  
158 contracts of employment to be terminated shall be made in accordance  
159 with either (A) a provision for a layoff procedure agreed upon by the  
160 board of education and the exclusive employees' representative  
161 organization, or (B) in the absence of such agreement, a written policy  
162 of the board of education; [or] (6) failure to successfully complete an  
163 improvement and remediation plan following a finding that the  
164 teacher's performance was deficient under the model teacher  
165 performance evaluation system adopted by a local or regional board of  
166 education or regional educational service center; or (7) other due and  
167 sufficient cause. Nothing in this section or in any other section of the  
168 general statutes or of any special act shall preclude a board of  
169 education from making an agreement with an exclusive bargaining  
170 representative which contains a recall provision. [Prior] Except as  
171 provided in the model teacher performance evaluation system adopted  
172 by a local or regional board of education or regional educational  
173 service center, prior to terminating a contract, the superintendent shall  
174 give the teacher concerned a written notice that termination of such  
175 teacher's contract is under consideration and, upon written request  
176 filed by such teacher with the superintendent, within seven days after  
177 receipt of such notice, shall within the next succeeding seven days give  
178 such teacher a statement in writing of the reasons therefor. Within  
179 twenty days after receipt of written notice by the superintendent that  
180 contract termination is under consideration, such teacher may file with  
181 the local or regional board of education a written request for a hearing.  
182 A board of education may designate a subcommittee of three or more  
183 board members to conduct hearings and submit written findings and  
184 recommendations to the board for final disposition in the case of

185 teachers whose contracts are terminated. Such hearing shall commence  
186 within fifteen days after receipt of such request, unless the parties  
187 mutually agree to an extension, not to exceed fifteen days (A) before  
188 the board of education or a subcommittee of the board, (B) if indicated  
189 in such request or if designated by the board before an impartial  
190 hearing panel, or (C) if the parties mutually agree, before a single  
191 impartial hearing officer chosen by the teacher and the superintendent.  
192 If the parties are unable to agree upon the choice of a hearing officer  
193 within five days after their decision to use a hearing officer, the  
194 hearing shall be held before the board or panel, as the case may be. The  
195 impartial hearing panel shall consist of three members appointed as  
196 follows: The superintendent shall appoint one panel member, the  
197 teacher shall appoint one panel member, and those two panel  
198 members shall choose a third, who shall serve as chairperson. If the  
199 two panel members are unable to agree upon the choice of a third  
200 panel member within five days after the decision to use a hearing  
201 panel, the third panel member shall be selected with the assistance of  
202 the American Arbitration Association using its expedited selection  
203 process and in accordance with its rules for selection of a neutral  
204 arbitrator in grievance arbitration. If the third panel member is not  
205 selected with the assistance of such association within five days, the  
206 hearing shall be held before the board of education or a subcommittee  
207 of the board. Within seventy-five days after receipt of the request for a  
208 hearing, the impartial hearing panel, subcommittee of the board or  
209 hearing officer, unless the parties mutually agree to an extension not to  
210 exceed fifteen days, shall submit written findings and a  
211 recommendation to the board of education as to the disposition of the  
212 charges against the teacher and shall send a copy of such findings and  
213 recommendation to the teacher. The board of education shall give the  
214 teacher concerned its written decision within fifteen days of receipt of  
215 the written recommendation of the impartial hearing panel,  
216 subcommittee or hearing officer. Each party shall pay the fee of the  
217 panel member selected by it and shall share equally the fee of the third  
218 panel member or hearing officer and all other costs incidental to the  
219 hearing. If the hearing is before the board of education, the board shall

220 render its decision within fifteen days after the close of such hearing  
221 and shall send a copy of its decision to the teacher. The hearing shall  
222 be public if the teacher so requests or the board, subcommittee, hearing  
223 officer or panel so designates. The teacher concerned shall have the  
224 right to appear with counsel at the hearing, whether public or private.  
225 A copy of a transcript of the proceedings of the hearing shall be  
226 furnished by the board of education, upon written request by the  
227 teacher within fifteen days after the board's decision, provided the  
228 teacher shall assume the cost of any such copy. Nothing herein  
229 contained shall deprive a board of education or superintendent of the  
230 power to suspend a teacher from duty immediately when serious  
231 misconduct is charged without prejudice to the rights of the teacher as  
232 otherwise provided in this section.

233 Sec. 505. Subsection (a) of section 10-151 of the general statutes is  
234 repealed and the following is substituted in lieu thereof (*Effective July*  
235 *1, 2011*):

236 (a) For the purposes of this section:

237 (1) [The term "board of education" shall mean] "Board of education  
238 means a local or regional board of education, a cooperative  
239 arrangement committee established pursuant to section 10-158a, or the  
240 board of trustees of an incorporated or endowed high school or  
241 academy approved pursuant to section 10-34, which is located in this  
242 state;

243 (2) [The term "teacher" shall include] "Teacher" includes each  
244 certified professional employee below the rank of superintendent  
245 employed by a board of education for at least ninety days in a position  
246 requiring a certificate issued by the State Board of Education;

247 (3) [The term "continuous" shall include] "Continuous employment" means that  
248 time during which the teacher is employed without any break in  
249 employment as a teacher for the same board of education;

250 (4) [The term "full-time" shall include] "Full-time employment" means a teacher's

251 employment in a position at a salary rate of fifty per cent or more of  
252 the salary rate of such teacher in such position if such position were  
253 full-time;

254 (5) [The term "part-time] "Part-time employment" means a teacher's  
255 employment in a position at a salary rate of less than fifty per cent of  
256 the salary rate of such teacher in such position, if such position were  
257 full-time;

258 (6) [The term "tenure"] "Tenure" means:

259 (A) The completion of thirty school months of full-time continuous  
260 employment for the same board of education for teachers initially  
261 hired prior to July 1, 1996; and forty such school months for teachers  
262 initially hired on or after said date provided the superintendent offers  
263 the teacher a contract to return for the following school year. For  
264 purposes of calculating continuous employment towards tenure, the  
265 following shall apply: (i) For a teacher who has not attained tenure,  
266 two school months of part-time continuous employment by such  
267 teacher shall equal one school month of full-time continuous  
268 employment except, for a teacher employed in a part-time position at a  
269 salary rate of less than twenty-five per cent of the salary rate of a  
270 teacher in such position, if such position were full-time, three school  
271 months of part-time continuous employment shall equal one school  
272 month of full-time continuous employment; (ii) a teacher who has not  
273 attained tenure shall not count layoff time towards tenure, except that  
274 if such teacher is reemployed by the same board of education within  
275 five calendar years of the layoff, such teacher may count the previous  
276 continuous employment immediately prior to the layoff towards  
277 tenure; [and] (iii) a teacher who has not attained tenure shall not count  
278 authorized leave time towards tenure if such time exceeds ninety  
279 student school days in any one school year, provided only the student  
280 school days worked that year by such teacher shall count towards  
281 tenure and shall be computed on the basis of eighteen student school  
282 days or the greater fraction thereof equaling one school month; and  
283 (iv) for a teacher who has not attained tenure and who is employed by

284 a local or regional board of education that enters into a cooperative  
285 arrangement pursuant to section 10-158a, such teacher may count the  
286 previous continuous employment with such board immediately prior  
287 to such cooperative arrangement towards tenure.

288 (B) For a teacher who has attained tenure prior to layoff, tenure shall  
289 resume if such teacher is reemployed by the same board of education  
290 within five calendar years of the layoff.

291 (C) Except as provided in subparagraphs (B), [and] (D) and (E) of  
292 this subdivision, any teacher who has attained tenure with any one  
293 board of education and whose employment with such board ends for  
294 any reason and who is reemployed by such board or is subsequently  
295 employed by any other board, shall attain tenure after completion of  
296 twenty school months of continuous employment. The provisions of  
297 this subparagraph shall not apply if, (i) prior to completion of the  
298 twentieth school month following commencement of employment by  
299 such board, such teacher has been notified in writing that his or her  
300 contract will not be renewed for the following school year, or (ii) for a  
301 period of five or more calendar years immediately prior to such  
302 subsequent employment, such teacher has not been employed by any  
303 board of education.

304 (D) Any certified teacher or administrator employed by a local or  
305 regional board of education for a school district identified as a priority  
306 school district pursuant to section 10-266p may attain tenure after ten  
307 months of employment in such priority school district, if such certified  
308 teacher or administrator previously attained tenure with another local  
309 or regional board of education in this state or another state.

310 (E) For a teacher who has attained tenure and is employed by a local  
311 or regional board of education that enters into a cooperative  
312 arrangement pursuant to section 10-158a, such teacher shall not  
313 experience a break in continuous employment for purposes of tenure  
314 as a result of such cooperative arrangement.

315 (7) [The term "school] "School month" means any calendar month

316 other than July or August in which a teacher is employed as a teacher  
317 at least one-half of the student school days."